

**Burns International Security Services, Inc. and  
Power Plant Police and Security Officers, Local  
1, Petitioner. Case 4-RC-14245**

20 July 1984

**DECISION AND ORDER REVOKING  
CERTIFICATION**

**BY CHAIRMAN DOTSON AND MEMBERS  
ZIMMERMAN AND HUNTER**

On 29 June 1981 the National Labor Relations Board issued a Decision and Certification of Representative<sup>1</sup> in which it certified the Petitioner as the exclusive representative of certain employees of the Employer for the purposes of collective bargaining. In *Harrah's Marina Hotel & Casino*, 267 NLRB 1007 (1983), the Board found that the Federation of Special Police and Law Enforcement Officers, with which the Petitioner is affiliated, and Casino Police and Security Officers, a sister local of the Petitioner, are not labor organizations. Thereafter on 12 December 1983 the Board issued a Notice to Show Cause why, in light of its findings in *Harrah's Marina*, the Board's certification of the Petitioner as representative in the instant proceeding should not be revoked. The Employer responded to the Notice to Show Cause by renewing its motion for reconsideration of the Board's certification. The Petitioner did not respond.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

<sup>1</sup> 265 NLRB 959 (1981).

In the course of determining in *Harrah's Marina*, above, that the Federation is not a labor organization the Regional Director received evidence that tends to show that the Petitioner has no independent status sufficient to support a finding that it is a bona fide labor organization although the Federation is not. Thus the Regional Director took notice of the apparently uncontradicted testimony of the Petitioner's president, William Wachholder, at the criminal trial of Federation officers Daniel Cunningham and Herman Jaffe that Cunningham established the Petitioner and made Wachholder, his father-in-law, the nominal president but that Wachholder never performed any functions as an officer of the Petitioner. In light of this evidence and in the absence of independent evidence that the Petitioner exists for the purposes set forth in the Act or that employees participate in the Petitioner to any significant extent, we conclude that the Petitioner's initial showing that it was a labor organization has been rebutted and that on the record considered as a whole it has not demonstrated that it is a labor organization within the meaning of Section 2(5) of the Act. Accordingly, we shall revoke the certification.

**ORDER**

On the basis of the above findings and the entire record in this case and taking official notice of the record and findings in *Harrah's Marina*, above, the National Labor Relations Board hereby orders that the certification of representative heretofore issued in this proceeding is revoked.